

148843

FAA-2001-10999-16



January 17, 2002

Docket Management System  
U.S. Department of Transportation  
Room Plaza 401  
400 Seventh Street, SW  
Washington, DC 20590

**RE: Docket No. FAA – 2001 – 10999; Amdt. Nos. 107 –14 and 108 -19**

Dear Sir or Madam:

Thank you for the opportunity to provide comments on the final rule for Criminal History Records Checks (CHRC), effective December 6, 2001, applicable to airport security programs under FAR Part 107 and air carrier standard security programs under FAR Part 108.

The Airports Council International – North America (ACI-NA) is a membership organization representing approximately 150 State, regional and local governing bodies that own and operate the principal airports served by scheduled air carriers in the United States and Canada. ACI-NA member airports handle approximately 98 percent of the domestic, and virtually all, of the international air passenger traffic and cargo traffic in North America. The Association also represents a wide variety of businesses that provide products and services to the air transportation industry.

ACI-NA supports the FAA's initiative requiring individuals to undergo CHRCs who are applying for unescorted SIDA access as well as individuals who are authorized to perform screening functions.

ACI-NA supports language found within the rule under 107.209 (n) that provides the option for an airport to accept air carrier certification on behalf of an individual who has undergone a CHRC, yet does not require an airport to accept this certification. In addition, we also support the provision of the rule found within 107.209 (g)(2) which allows airports to suspend unescorted access privileges not later than 45 days while disposition of a CHRC is underway, yet does not require the airport to wait 45 days to suspend the privilege. It is paramount that airports maintain the flexibility to take

whatever procedures or precautions necessary to maintain the integrity of its security program based upon the facts of each particular case and thus protect the flying public.

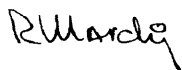
ACI-NA suggests that in addition to the initial CHRC as required under 107.209 (b), the FAA consider strengthening the rule to require that upon an individual's access media renewal a CHRC is conducted thereby ensuring that the individual has not been convicted of a disqualifying crime since under going the initial CHRC and therefore maintaining the highest level of security at U.S. airports.

ACI-NA appreciates section 107.209 (j) of the rule in which the results of a CHRC and dissemination of those results be limited to the individual and the regulated party who submitted the fingerprints through use of the party's sign on number (SON). While ensuring the highest level of security at an airport, it is also important that the privacy of the individual is maintained and this is achieved in that only parties with a need to know, e.g., an airport who will be issuing unescorted access privileges to an individual, receive these results and maintain the integrity of those results.

In conclusion, ACI-NA notes that the rule contains no provision for an appeals process for individuals who lose the privilege of unescorted access upon a CHRC showing a conviction for a disqualifying crime. Specifically, the FAA may consider developing and implementing an appeals process for long - term employees at an airport who are affected by the aforementioned circumstance.

We appreciate your consideration and thank you for the opportunity to comment on the final rule for Criminal History Record Checks.

Sincerely,

A handwritten signature in dark ink, appearing to read "R Marchi", with a stylized flourish at the end.

Richard F. Marchi  
Senior Vice President  
Technical and Environmental Affairs